IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

WP(C).No. 30042 of 2007(B)

PETITIONER:

P.A. ROY, AGED 42 YEARS,
S/O. ABRAHAM, RESIDING AT PULINCHUVATTIL HOUSE,
KADUTHURUTHY VILLAGE, VELLASSERY KARA,
VAIKOM TALUK, KOTTAYAM DISTRICT.

BY ADV. SRI.P.K.MURALEEDHARAN,
SRI.SUNU P.JOHN.

RESPONDENTS:
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1. **THE DIRECTOR GENERAL OF POLICE (LAW & ORDER), THIRUVANANTHAPURAM.**
2. **THE DISTRICT SUPERINTENDENT OF POLICE, KOTTAYAM DISTRICT, KOTTAYAM.**
3. **THE SUB INSPECTOR OF POLICE, KADUTHURUTHY POLICE STATION, KADUTHURUTHY.**
4. **AJAYAN, S/O. BALAN PILLAI, MOOLEPARAMBIL HOUSE, EZHUMANTHURUTHU P.O., EZHUMANTHURUTHU KARA, MUTTUCHIRA VILLAGE, VAIKOM (PRESIDENT, LOTTERY AGENT AND SELLERS' UNION(CITU) KADUTHURUTHY).**
5. **ANILKUMAR, S/O. KUNJU, NANGARATHIL HOUSE, ERUMATHURUTHU KARA, KADUTHURUTHY P.O., KADUTHURUTHY, VAIKOM (SECRETARY, LOTTERY AGENT AND SELLERS' UNION(CITU) KADUTHURUTHY).**

6. PRADEEP C.C., S/O. CHOTHAN,
CHATHANAKERIYIL HOUSE, VELLASSERY KARA,
KADUTHURUTHY P.O., KADUTHURUTHY, VAIKOM.

7. THE DISTRICT LOTTERY OFFICER,
KOTTAYAM DISTRICT, KOTTAYAM.

BY ADV. SRI.T.A.SHAJI,
GOVERNMENT PLEADER SRI.C.M. KAMMAPPU.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.30042/2007-B:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE LICENSE/ AGENTS IDENTITY HOLDER NO. K 4056.

EXT.P.1.A: COPY OF THE RENT DEED DTD. 10/05/07.

EXT.P.2: COPY OF THE NOTICE DTD. 02/10/2007.

EXT.P.3: COPY OF THE COMPLAINT DTD. 08/10/2007.

EXT.P.4: COPY OF THE DEALERSHIP CERTIFICATE DTD. 28/09/2007 ISSUED BY THE GOVERNMENT OF KERALA.

EXT.P.5: COPY OF THE CERTIFICATE DTD. 02/11/2007 ISSUED BY THE BABU LUCKY CENTRE.

EXT.P.6: COPY OF THE STANDING SALES BILLS (COMPUTER COPY SERIES) FROM 24/08/2007 TO 28/09/2007 OF THE KERALA GOVERNMENT LOTTERIES.

EXT.P.7: COPY OF THE RANDOM PURCHASE BILLS DTD. 22/10/2007 (COMPUTER COPY SERIES).

EXT.P.8: COPY OF THE SALES BILLS BOOK DTD. 31/08/2007, 08/09/2007, 15/09/2007, 03/11/2007 (SERIES).

EXT.P.9: COPY OF THE RANDOM SALES BILLS DTD. 03/11/2007 (COMPUTER COPY SERIES).

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR & K.P.BALACHANDRAN, JJ.

Writ Petition (C) No.30042 of 2007-B

Judgment

Balakrishnan Nair, J.

The petitioner is a dealer in lottery tickets of the Kerala and Bhutan Governments. He is doing whole sale and retail business. Ext.P1 is the identity card issued to him to show that he is the agent of the Kerala State Lotteries. Respondents 4 to 6 are retail dealers in lottery tickets. The 5th respondent is purchasing tickets from the petitioner's shop. While so, the petitioner was served with Ext.P2 notice by the Lottery Agents and Sellers Union, Kaduthuruthy, asking him not to make any retail sale of the lottery tickets and thereafter, respondents 4 to 6 and others came to the shop of the petitioner on 08.10.2007 and physically obstructed him from making retail sale of lottery tickets. So, he filed Ext.P3 representation before the 3rd respondent, seeking police protection. Since the Police did not extend any help, this Writ Petition was filed, seeking appropriate reliefs.

2. Respondents 4 to 6 have filed a counter affidavit, denying the allegation of the petitioner regarding physical obstruction. They say, there was

an understanding between the whole sale agents and the retail agents that the whole sale agents will not indulge in retail sale of the lottery tickets. In violation of the said understanding, the petitioner was selling lottery tickets in retail and therefore, the Union of the retail dealers issued Ext.P2 to the petitioner, pointing out the said improper action of the petitioner.

3. The 7th respondent has filed a statement, stating that the petitioner has purchased only 50 tickets of the Kerala lotteries after the renewal of his agency on 05.01.2007. The petitioner has filed an affidavit, dealing with the averments in the counter affidavit of the party respondents and the statement of the 7th respondent. He has submitted that he has purchased tickets from the whole sale dealers of lotteries concerned, including that of the Kerala lottery.

4. We heard the learned counsel on both sides. We record the submission of respondents 4 to 6 that they are not causing any physical obstruction to the sale of tickets by the petitioner in retail. We also record the submission of the learned Government Pleader that the petitioner's business premises is very near to the police station and if there is any problem, the Police will extend a helping hand to him. In case any physical obstruction is caused to the business of the petitioner by respondents 4 to 6, the petitioner

may inform the Sub Inspector of Police. In that event, the said Officer will take appropriate action in accordance with law. Under the guise of this Judgment, the petitioner shall not indulge in any sale of unauthorised lottery tickets.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR,JUDGE

15.11.2007 **K.P.BALACHANDRAN, JUDGE**

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